

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35993 of 2007(I)

PETITIONER:

ALBERT STANLEY, AGED 60 YEARS,
S/O.ALBERT, EAST OF HNC COMPOUND,
SANTHA COTTAGE EAST HOUSE, MUNDAKKAL VILLAGE,
KOLLAM.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

1. THE SECRETARY, KOLLAM CORPORATION,
OFFICE OF THE KOLLAM CORPORATION,
KOLLAM.
2. THE TALUK SURVEYOR, TALUK OFFICE,
KOLLAM.
3. SUBAIRATHU BEEVI, AGED 59 YEARS,
W/O.SHAMSUDEEN, SHABAGH-AL-DALE,
HOUSE NO.FFRA 82, NEAR POLAYATHODU ASSEMBLIES
OF GOD, MUNDAKKAL EAST, UDAYAMARTHANDAPURAM,
MUNDAKKAL VILLAGE, KOLLAM.

R1 BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.

R2 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE,J.

W.P.(C) No.35993 of 2007

Dated: 5th December, 2007

JUDGMENT

Adv.Mr.M.K.Chandramohan Das has taken notice on behalf of the 1st respondent and Mr.K.J.Mohammed Anzar, Government Pleader has taken notice on behalf of the 2nd respondent.

2. The grievance of the petitioner who is the neighbour of the third respondent is that the third respondent is constructing the building in violation of the plan and in violation of the building rules. Admittedly, the third respondent and the petitioner approached the Munsiff's Court, Kollam and Ext.P4 order has been issued by that court in favour of the third respondent. Counsel for the petitioner submits that the issues before the civil court and the issues raised by the petitioner in Ext.P2 complaint are entirely different. This court is not inclined to decide the merits of the grounds raised. Since Ext.P2 is seen pending before the 1st respondent-Corporation, it is only appropriate that the Corporation takes a decision on Ext.P2. Accordingly, the Writ Petition will stand disposed of issuing the following directions:

The first respondent will issue notice to the third respondent, conduct necessary local inspection, hear the petitioner and the third

respondent and take a decision on Ext.P2. Once decision is taken, the same will be communicated to the petitioner and the third respondent. Till then, the 1st respondent will ensure that the third respondent does not violate the approved plan or any of the statutory rules while carrying out constructions.

srd

PIUS C.KURIAKOSE, JUDGE